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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 753,664	01 04 2001	Liming Tsau	1875.0230000	1902

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EXAMINER

NGUYEN, KHIEM D

ART UNIT PAPER NUMBER

2823

DATE MAILED: 09 24 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,664

Applicant(s)

TSAU, LIMING

Examiner

Khiem D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-14 is/are allowed.
- 6) ☐ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

New Grounds of Rejection

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (U.S. Patent 6,297,162) in combination with Parikh (U.S. Patent 6,225,207).

Jang discloses in figure 4 and related text a method of forming a semiconductor device comprising the steps of forming a first metal layer 42 comprising copper;

forming an etch stop layer comprising silicon nitride (col. 2, lines 15-20) on the substrate 41 and the first metal layer;

Jang fails to expressly disclose forming a second metal layer on the substrate and portion of an etch stop layer as recited in present claim 15.

Parikh discloses forming a second metal layer comprises copper or copper alloy on the substrate and portion of an etch stop layer (figure 3F, 350, col. 7, lines 64+).

Parikh further teaches chemical mechanical polishing the second metal layer 350 (col. 8, lines 1+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Parikh with the method of Jang et al in order to provide for a cost effective, improved technique for damascene fabrication (col. 2, lines 50-55).

Jang and Parikh fails to explicitly teach that the first metal layer is utilized as the lower plate, the etch stop layer is utilized as the insulator and the second metal layer is utilized as the upper plate of the MIM capacitor. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Parikh teaching's into Jang method to form a MIM capacitor comprises the lower plate, insulator, and upper plate in order to provide for a cost effective, improved technique for a damascene fabrication (Parikh, col. 2, lines 50-55).

Allowable Subject Matter

4. Claims 1-14 are allowed.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance: The prior art taken alone or in combination neither discloses nor makes obvious the instant process of claims as a whole. Specifically, the prior art fails to teach or disclose performing a further etching process, using the second patterned mask layer as a further etching mask, to etch the stop layer below the second opening and to partially etch a third opening adjacent the second opening in the second dielectric layer without exposing the stop layer thereunder as recited in present independent claim 1. The prior art further fails to teach forming a third patterned masking layer over the substrate such that a further portion of the second

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dielectric layer and a portion of the stop layer are exposed as recited present independent claim 8.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9179 for regular communications and (703) 746-9179 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.N.
September 20, 2002


LONG PHAM
PRIMARY EXAMINER